

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL
DISTRICT AND EAST VALLEY SELPA.

OAH CASE NO. 2013020305

ORDER DENYING STUDENT'S
PEREMPTORY CHALLENGE

On March 18, 2013, a prehearing conference (PHC) was held before ALJ Clifford Woosley. All parties participated, and Student was represented at the PHC by advocate Steven Figueroa. On March 27, 2013, Student's advocate filed a peremptory challenge to ALJ Clifford Woosley, nine days after the PHC had been held.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Here, the time to file a peremptory challenge to ALJ Clifford Woosley was prior to the PHC on March 18, 2013. Thus, Student's peremptory challenge is not timely and is denied.

IT IS SO ORDERED.

Dated: March 27, 2013

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge
Office of Administrative Hearings